

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Alfred K. Cloke, III,

Plaintiff(s),

vs.

Herb Adams, et. al.,

Defendant(s).

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Case Number: 1:09cv660

Chief Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Timothy S. Black. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on May 27, 2010 Report and Recommendation (Doc. 19). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 23) and defendants filed a response to the objections (Doc. 24).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Upon review, the Court finds that plaintiff's complaint fails to state a claim for relief against defendants Stephen Markus and Ulmer and Berne, LLP pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Accordingly, defendants' motions to dismiss (Docs. 7, 9, and 16) are **GRANTED**. This case is hereby **TERMINATED** from the Court's docket.

IT IS SO ORDERED.

s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court